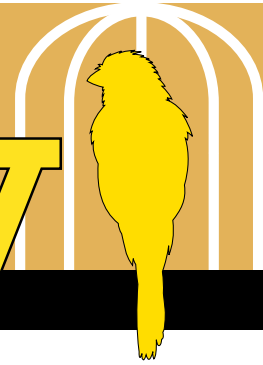


# THE canary



SPECIAL DOUBLE ISSUE

SPRING 2013

NEWS **ASBESTOS**

## CUPE 1502 takes on asbestos fight and wins

Pembroke Regional Hospital in Pembroke, ON has pled guilty to charges of violating the Occupational Health and Safety Act related to workplace exposure to asbestos. The hospital now faces fines of \$60,000 with an additional 25 per cent victim surcharge.

CUPE 1502 maintenance workers at the hospital were exposed to asbestos when they were instructed to perform work on asbestos-containing materials using power tools, with no protective equipment.

Ontario's asbestos regulations classify work on asbestos-containing materials using power tools to be a "type 3" operation, requiring special asbestos containment procedures, training and certification in a government-approved asbestos abatement program for both supervisors and workers.

CUPE 1502 called in health and safety inspectors from the Ministry of Labour to investigate their complaints. Despite providing orders that supported the local's claim, inspectors did not initially press charges against the hospital. CUPE 1502 filed an appeal and the case was referred to the Ministry of Labour prosecutors in July 2012 to consider laying charges.

On Feb. 25, the hospital pled guilty to four charges: failing to provide workers with the information and training necessary to protect themselves, failing to ensure that their supervisors were competent to direct the work and failing to have appropriate measures and procedures in place to protect workers from asbestos.

"We are celebrating this decision as the victory it is," said Jodi Julius, CUPE 1502's WSIB representative. "We have been



concerned about the safety of these workers and the related exposures. The employer provided band-aid style remedies that were not adequate. Thanks to the hard work of many people in our local, we continued with action, and our voice has been heard. The employer has taken note of the issues, and now we are looking toward a safer work environment for our members."

Each charge carries a \$15,000 fine, as well as a 25 per cent victim surcharge.

■ **Andréane Chénier**

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## CUPE launches new beginner-level health and safety course

CUPE has launched a brand new, nine-hour health and safety course for beginners.

The course covers the duties of health and safety representatives, explains how to identify hazards in the workplace and the process for dealing with them; and provides an overview of basic health and safety rights.

More advanced than the three-hour health and safety block in the Steward Learning Series, this new course is designed to empower new activists and experienced activists new to health and safety.

It's also well suited for local executive members seeking an introduction to health and safety issues.

Members who sit on a joint health and safety committee are encouraged to take CUPE's weeklong health and safety course.

**FOR DETAILS** on the new course, contact your provincial CUPE education representative.



CUPE National President Paul Moist marks the 2012 Day of Mourning in Victoria.

## CUPE marks Day of Mourning, launches new radio ad

April 28 is the International Day of Mourning for workers killed or injured on the job. It's an important date, not just for CUPE members, but for all workers. While it's true that CUPE's National Health and Safety Committee first proposed the idea to honour workers killed and injured with a commemorative date, in the years since it has become an international event, marked by workers, governments and other organizations the world over.

Since the last Day of Mourning, five CUPE members have lost their lives at work.

Sylvain Ferland, 49, was killed in an accident while driving a bus in Montreal.

Normand Gauthier, 53, was killed during loading operations at the Port of Matane, Que.

Claude Picard, 48, was killed while working on a hydro pole in Saint-Félix-de-Valois, Que.

Hubert Fortin, 67, was killed when he was struck by

a roller-coaster at La Ronde, a Montreal amusement park where he was working.

And Tara Lynn Veri, 38, was killed when her car was hit by a cement truck. She was from Simcoe, Ont.

This year CUPE will honour these workers, and the countless others who've lost their lives or been injured at work, in special ceremonies across the country.

The Day of Mourning is about more than remembering the dead though. It's also about fighting for the living and making our workplaces safer and healthier. With that in mind, CUPE is launching a new radio ad this April to help raise awareness about the day and about the tools CUPE offers to make your workplace safer. You'll be able to hear it on radio stations across the country starting April 22.

The ad points to [cupe.ca/health-and-safety](http://cupe.ca/health-and-safety) where you can find our world-renowned fact sheets on hazards in the workplace. CUPE members are encouraged to take advantage of this important resource, and to share them with their colleagues or anyone else who can use them.

CUPE also offers important health and safety training, guidelines, advice on how to deal with a hazard, and more.

■ **Wes Payne**

**CHECK OUT** [cupe.ca/health-and-safety](http://cupe.ca/health-and-safety) for more information.

The Canary, CUPE's health and safety newsletter, is published four times a year. Canaries were once used in mines to warn mineworkers about changes in air quality. Since then, the canary has become a symbol of workplace safety, and an important reminder of dangerous working conditions. For more information on the importance of the symbol, check out [cupe.ca/canary](http://cupe.ca/canary).

Editors: Wes Payne and Troy Winters

Please email Troy Winters at [health\\_safety@cupe.ca](mailto:health_safety@cupe.ca) with corrections, questions or suggestions.

Find past issues online at [cupe.ca/canary](http://cupe.ca/canary)

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**CUPE** Canadian Union  
of Public Employees

COPE 491

# Two Quebec CUPE members killed at work in January

Less than three weeks into 2013, two CUPE members lost their lives at work.

Claude Picard, a linesman for Hydro Quebec and member of

CUPE 1500, was installing power lines in a new residential development in Saint-Félix-de-Valois on Jan. 16 when the pole he was working on collapsed. Picard fell

13 metres. He was rushed to hospital, but did not survive his injuries.

He was 48, and leaves behind a wife and daughter.

Two weeks earlier, CUPE member Normand Gauthier, a longshoreman at the port of Matane, was killed at work on Monday, Jan. 7.

Gauthier, 54, was killed during loading operations aboard the *Maineborg*, a ship bound for Europe.

He was from Sainte-Félicité, Que., and leaves behind a wife and three children.

CUPE 4239 member Gilles Létourneau was killed in a similar accident at the same port in May 2010.

CUPE National President Paul Moist said seeing two deaths come in such proximity is especially disturbing.

“Our hearts go out to the families and to our Quebec brothers and sisters. It’s shocking to lose two of our own like that. It reminds us how precious life is, and why we must continue to fight to protect our members at work.”

CUPE National Secretary-Treasurer Charles Fleury also offered condolences, and promised follow-up.

“These events are terrible tragedies, and to see it happen twice in two weeks, including the death of a member of my own local, is appalling. We will be following both investigations closely. Our members are counting on it. Every worker should come home safe at the end of the day.”

Both incidents are being investigated by authorities. CUPE is monitoring both investigations.

■ **Wes Payne**

**RESOURCES CUPE STAFF**

## CUPE health and safety representatives: There for you

Your CUPE national representative can access a wide range of resources for your local. Health and safety resources are no different.

Every province has a CUPE health and safety specialist assigned. If you are having issues with a health and safety-related matter that can't be resolved by your health and safety committee, bring your concerns to your national representative. They may contact the regional health and safety specialist, who can provide advice and guidance.

**HEALTH AND SAFETY REPRESENTATIVES**

**SERVICE AREA**

Vanessa Wolff, B.C. Regional Office	British Columbia
Wally Skomoroh, Manitoba Regional Office	Manitoba
Blain Morin, Ontario Regional Office	Ontario (Southern)
Andréane Chénier, Sudbury Office	Ontario (Northern, and all French locals)
Céline Giguère, Quebec Regional Office	Quebec
John Brookfield, Atlantic Regional Office	Nova Scotia, Newfoundland and Labrador
Troy Winters, National Office	Alberta, Saskatchewan, New Brunswick, P.E.I.

CUPE also maintains a number of fact sheets and guidelines for members. Find them at [cupe.ca/health-and-safety](http://cupe.ca/health-and-safety)

# Changes to Saskatchewan's provincial OHS act

**Over the past several months there have been many changes made and proposed for the occupational health and safety legislation in Saskatchewan. These changes have raised many questions among CUPE members regarding their health and safety at work. This article sheds a little light on some of the big issues.**

Please note this summary is not a legal opinion. If you have any questions about how the health and safety laws are being applied at your workplace, contact your local executive or your CUPE national representative.

Bill 23, An Act to amend The *Occupational Health and Safety Act* came into force in November 2012. Some changes could be described as positive for workers, but not all. Less than a month after Bill 23 came into effect, the government introduced Bill 85, commonly referred to as the *Saskatchewan Employment Act*.

Bill 85 repeals over 900 pages of Saskatchewan's current labour legislation and consolidates it into 184 pages. Not only does it needlessly threaten to send labour relations in the province into turmoil, but it dismantles several basic minimum workplace standards like weekends and hours

of work.

Regarding health and safety, Bill 85 would make relatively few changes to the laws already in place. While some of them are positive, it also builds on some of the potentially negative aspects of the previous changes enacted in Bill 23.

The proposed changes in Bill 85, and the changes already implemented in Bill 23, are broken down by topic area below.

## Supervisors

One of the biggest recent changes already enacted affects the definition and responsibilities of supervisors. Supervisors are now defined as a person who "oversees or directs" the work of others, which could have a dramatic effect on who is considered a supervisor. Many CUPE members who act as a lead hand for example, or anyone overseeing a particular job regardless of whether they're a member

of management, could now be considered a supervisor.

These changes are a concern primarily because they affect who can be held accountable in the event of a serious incident or injury on the worksite.

## Training

Also already in effect, and in line with the changes to supervisors, employers must now ensure that workers are "trained in all matters that are necessary to protect their health, safety and welfare." Training is defined as giving "information and explanation" and requiring "a practical demonstration that the worker has acquired the knowledge." Previous legislation made no specific mention of training.

Employers cannot simply give you information to read and consider that training, as there is no explanation or follow up. Members should expect proper training for all health and safety-





**CUPE members rally in opposition to Bill 85 at the Saskatchewan Legislative Building in Regina.**

PHOTOS: JANET SZLISKE

related aspects of their job, and follow up where none has been provided.

Members that find themselves suddenly classified as supervisors under the act should insist on the required health and safety training to meet their new role.

## Penalties

Regarding penalties, Bill 23 doubled all fines listed in the previous act, except for the fine for “every person who is guilty of an offence that causes the death of or serious injury” which has been raised from \$300,000 to \$500,000. There is also a potential new corporate punishment fine that could range up to \$1.5 million.

Though this section of the bill was enacted, it was never proclaimed into force. The new fines have been included again in Bill 85.

## Physicians

Under Bill 85, the definition of “physician” would be widened to include “duly qualified medical practitioners” which could include chiropractors, pharmacists, and psychologists.

## Appeals

There are many changes to the entire process of appeals. The biggest change already in place is that appeals of any decision related to the health and safety laws must now be submitted in 15 business days, instead of 21. Also, only a person who is “directly affected by the decision” is able to appeal. CUPE can still help members appeal, but CUPE as an organization may no longer be able to appeal a decision on members’ behalf.

Bill 85 would implement further changes in the appeals process. In response to appeals, the Ministry of Labour Relations and Workplace Safety would no longer be required to hold an oral hearing, but may accept written responses instead.

Furthermore, appeals of ministry or adjudicator decisions would be heard by the Labour Relation Board instead of the Court of Queen’s Bench. The impact of this potential change is unknown, though recent experience would suggest that it could make winning appeals more difficult.

Bill 85 would also remove mention of the Special Adjudicator for Harassment from the law.

## No right to remain silent

Bill 23 expanded government inspectors’ ability to “require any person... to attend an interview and provide full and correct answers to any questions that the officer believes it necessary to ask.”

Before, workers had a right to remain silent, but this new power requires workers to answer an inspector’s questions during health and safety investigations. This new power is a good thing in the sense that it supports an inspector trying to prevent the reoccurrence of an incident or injury. However, if the communication is not explicitly privileged so that it cannot be used outside of the requirements of this act, then it could be problematic in terms of protecting members’ charter rights against self-incrimination.

■ **Troy Winters**

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**ADDITIONAL QUESTIONS** on the changes to the health and safety laws in your province can be directed to your CUPE staff representative.

# Many firsts at CUPE's 11<sup>th</sup> National Health and Safety Conference

Five hundred health and safety activists came to Ottawa this October for CUPE's 11<sup>th</sup> National Health and Safety Conference. Under the banner "Defending our workplace, our environment, our health" CUPE members participated in discussions, presentations and workshops to address the issues they face in the workplace.



CUPE National President Paul Moist opens the *Celebrating our successes* plenary at CUPE's 11<sup>th</sup> National Health and Safety Conference in Ottawa.

PHOTO: JOSHUA BERSON PHOTOGRAPHY

For about half the participants, it was their first time taking part in a national health and safety event.

Conference organizers hoped to inspire new participants to take action, and instill a renewed sense of vigour for experienced participants.

For two and a half days, members learned about big picture political, legal, and social issues

during plenary sessions, then broke out into smaller workshops where they tackled challenges they face in their workplaces and in their communities.

Dr. Linda Murray, a former CUPE member and Chief Medical Officer for the Cook County Department of Public Health in Illinois, provided a powerful keynote address on the importance of the labour movement in workplace health and safety.

Conference workshops covered four major topics: inspiring activism; environmental health and workplace action; hazards women face in the workplace; and mental health. Workshops were infused with practical problem-solving and attainable goal-setting practices.

It was the first time both environmental and mental health issues have been front and centre at a national health and safety conference.

All of the workshops will now be made available across the country for regional workshops and conferences.

CUPE activists also highlighted a number of firsts in the *Celebrating our Successes* plenary. The presentation covered many successes CUPE has been a part of over the past 50 years, including legislative OHS changes across the country, the Day of Mourning, environmental causes, and asbestos awareness.

On the final morning, participants met to develop strategic plans for their provincial or federal jurisdiction. Encouraged to identify bigger issues and to formulate plans to address issues, many members identified similar solutions, like increasing health and safety protections in collective agreements, strengthening the role of health and safety committees, and improving OHS law enforcement by challenging governments and educating members.

■ Troy Winters and Wes Payne

# A healthy country needs a healthy labour movement: Dr. Linda Murray speaks

**Empowering every worker to ensure their workplace is healthy and safe must be a priority for the Canadian labour movement. That was the message long-time health and safety activist Dr. Linda Rae Murray brought to CUPE on the first day of the 11<sup>th</sup> National Health and Safety Conference.**

In her keynote address, Dr. Murray stressed the need to reach all workers with the importance of workplace health and safety.

“Our job as activists is to take the issues we are passionate about, and show that passion to others,” said Dr. Murray. “The most important thing you can do is to make sure the people who work next to you know how these conditions are harming their health.”

Dr. Murray is currently Chief Medical Officer for the Cook County Department of Public Health in Illinois, and has been an advocate for social justice and the recognition of health care as a basic human right for over 40 years. She is a past president of the American Public Health Association, and a former CUPE member.

While highlighting the contributions the labour movement has made in improving workplace conditions, Dr. Murray told conference participants there is a lot of work left to do.

“In Canada, basically a worker is killed every eight hours on the job. We need all Canadians to realize this, and to acknowledge that it is not acceptable,” said Dr. Murray.

But the importance of this work is not limited to the workplace, especially for public sector unions like CUPE.

“In our jobs, our health and safety impacts everybody. When teachers are healthy, everyone gets a better education. When our water and wastewater workers are safe, our drinking water is safe. When our health care workers are healthy and safe, our families get better care,” said Dr. Murray.

She also encouraged CUPE to see the health and safety implications in broader social justice issues.

“The most common occupational disease in the country is unemployment. Unemployment will make you sick, worrying about being unemployed will make you sick,” explained Dr. Murray. “Low paying jobs are a health and safety issue. Racism is a health and safety issue.

Discrimination and violence against women is a health and safety issue.”

It’s because of this that Dr. Murray said it is vital for the labour movement to not just engage and work with union members, but reach out to all communities.

“In order for us to have safe workplaces in Canada, we must have social justice. We can make things right. When we fight for social justice, we fight for safe water systems, good schools, and better health care,” said Dr. Murray. “You cannot have a healthy country if you don’t have a healthy labour movement.”

■ **Greg Taylor**



**Dr. Linda Murray gives the keynote address at CUPE’s 11<sup>th</sup> National Health and Safety Conference in Ottawa.**

*PHOTO: JOSHUA BERSON PHOTOGRAPHY*



## Four myths about workers' compensation

**Workers' compensation** has been around for almost 100 years in Canada, but it is one of the most misunderstood topics that we deal with as a union. Here are a few common mistakes about how workers' compensation applies across the country:

### **Myth #1: Workers' compensation only covers lost wages**

WRONG. Workers may be covered for a wide variety of injury- or illness-related expenses.

Payouts may include the following:

- Payments for lost income.
- Payments to cover medical expenses, like prescription drugs or medical treatments.
- Payments to cover rehabilitation expenses, such as training, medical equipment, clothing, and auxiliary care for day-to-day activities.
- Payments to cover a physical disability.<sup>1</sup>

### **Myth #2: Everyone is covered by workers' compensation**

WRONG. Unfortunately, the percentage of workers covered by provincial workers' compensation programs range from as low as 71 per cent in Ontario to 98 per cent in Newfoundland and Labrador. Inclusion in the programs is based on provincial rules and may vary because of company size, industry, and in some provinces, even age. Some organizations are also granted leave to purchase private insurance for their employees.

Employers should let you know if you are covered during orientation. If you don't know, ask a member of your local executive.

### **Myth #3: You can be denied claims because you were "at fault"**

WRONG. This is a common misconception. Workplace injuries are compensated regardless of fault. There is no argument over responsibility or liability for an injury. When it comes to compensation, fault is irrelevant.

### **Myth #4: You should use sick days and avoid filing compensation paperwork when you are hurt or sick**

WRONG. Employers often try to encourage workers to use sick days to avoid the dealing with workers' compensation, but by doing so they are asking you to pay for your injury. If you are injured at work, always file with your province's compensation department. Processing your paperwork may take time, but ultimately you should never be forced to use sick days while recovering from an injury or illness that occurred because of your work.

Issues around work-related injuries can be complicated, and answers to many additional questions will depend on the rules in your province and your individual injury.

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**FOR MORE INFORMATION** about workers' compensation, talk to your CUPE staff representative about resources available in your province.

<sup>1</sup> Source: Government of Canada, [www.servicecanada.gc.ca/eng/ei/information/work\\_accident.shtml](http://www.servicecanada.gc.ca/eng/ei/information/work_accident.shtml)

**CHECK OUT OUR WEBSITE!** [cupe.ca/health-and-safety](http://cupe.ca/health-and-safety)

• more information on workplace health and safety issues • fact sheets and guidelines on a wide range of topics • the latest health and safety news AND MORE